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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,862	03/15/2002	James J. Henschel	061408.3002-100	4474

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EXAMINER

PATEL, TULSIDAS C

ART UNIT PAPER NUMBER

2839

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,862

Applicant(s)

HENSCHTEL ET AL.

Examiner

T. C. Patel

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

General Status

1. This is a **First** Action on the Merits. Claims 1-31 are pending in the case.

Objection under 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 37 CFR 1.71 because failing to provide an enabling disclosure.

It is not clear where support for recitation of "coupler connector assembly does not exceed approximately 1.5 inches" is found in the specification.

Claim Rejections - 35 USC § 112

3. Claims 5, 9, 17 and 23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is not clear where support for recitation of "coupler connector assembly does not exceed approximately 1.5 inches" is found in the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the

• Art Unit: 2839

subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters et al. (US 5,778,130) in view of Pan et al. (US 5,652,814).

For claims 1-13, 21 and 22 Walters et al. in figure 2, discloses an optical fiber enclosure 26, comprising a housing 104 comprising a front compartment 62 and a bulkhead 66, a plurality of optical adapters 70 mounted to the bulkhead and a plurality of connectors 76, 76 are also connected to the adapters. However, Walters et al. does not disclose the he connector to be coupler connector assembly. Pan et al. in figure 2m discloses coupler connector assemblies 33, 34 and 35, 36, inserted from two sides of the adapter (adapter shown in dotted lines), the coupler connector assembly 33,34 having two input optical fibers 30, 31 and the coupler connector assembly 35, 36 having two output fibers 39, 32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the connector of Walters et al. and use coupler connector assembly as taught by Pan et al. so that two frequencies can be transmitted through an adapter port.

For claim 4, the connectors are located in each of the adapter port, and hence the modified assembly of Walters et al. would have coupler connector assembly in each of the adapter port. For claim 5, dimension of 1.5 inches for coupler connector assembly is a matter of design choice. For claim 8, the enclosure of figure 2, is disclosed with enough bend radius space for the optical fibers. For claim 9, dimension of 1.5 inches for coupler connector assembly is a matter of design choice. Claim 11, recites the use of the disclosed optical

• Art Unit: 2839

network in Ethernet environment and it is obvious to use the disclosed system in an Ethernet environment.

Regarding claim 14, it would be obvious to one of ordinary skill in the art to use the embodiment of figure 7 of Pan et al. as an optical tap. The signal is passed from right to left. The optical fibers 70, 71, both can carry same signal or can work as splitter and have signal of different wavelengths. For claims 16, the enclosure of figure 2 is disclosed with enough bend radius space for the optical fibers. For claims 17 and 18, the dimension of 1.5 inches for coupler connector assembly and the material selection is a matter of design choice. For claim 19, the optical fiber is a waveguide. For claim 20, splitter function is discussed above.

For claim 21-23, the WDM function of embodiment of figure 2 of Pan et al. is discussed above. For claim 24-26, the splitter function is also discussed in view of embodiment of figure 7. The method steps of claims 27-31 are obvious to one of ordinary skill in the art. The specific wavelength would be a matter of design choice and splitter function is already discussed above.

6. The prior art made of record and not relied upon is considered pertinent to applicant's invention. Duncan et al. (US 5,285,512), Xie et al. (US 6,546,168) and Nolan (US 6,554,487) all disclose coupler/adapter devices.


Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

• Art Unit: 2839

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. C. Patel whose telephone number is (703) 308-1736. The examiner can normally be reached on 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (703) 308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1736.


T. C. Patel
Primary Examiner
Art Unit 2839

tcp
July 20, 2003